

why field prices for Natural (sun-dried) Seedless raisins have increased less during the 1990's. Since competition from wineries for raisin-variety grapes has decreased, there has been less pressure to increase field prices.

The Department does not find evidence that this rule will cause more raisins to be "aborted" in the RDP or that raisin prices will increase significantly. Instead, this rule seems to provide the industry with the means of mitigating the oversupply of raisins early in the crop year, and help stabilize market conditions for producers and handlers. Thus, no change is being made in response to the above comment.

After thoroughly analyzing the comments received and other available information, the Department has concluded that this final rule is an appropriate means of solving the marketing problems discussed herein.

Based on available information, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all available information, it is found that the action, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1995-96 crop year begins August 1, 1995, and this rule should be effective promptly because the order requires that the committee meet on or before August 15 to compute and announce the trade demand, and the desirable carryout level is a necessary item in that calculation; and (2) growers and handlers are aware of this rule which was discussed and recommended at a public meeting.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

2. Section 989.154 is revised to read as follows:

#### § 989.154 Desirable carryout levels.

The desirable carryout levels to be used in computing and announcing a crop year's marketing policy shall be equal to the total shipments of free tonnage of the prior crop year during the months of August and September, for each varietal type, converted to a natural condition basis: *Provided*, That the desirable carryout levels to be used in computing and announcing the 1995-96 crop year's marketing policy shall be equal to the total 1994 shipments of free tonnage for the months of August and September, and one-fourth of the total shipments for the month of October: *Provided further*, That should the prior year's shipments be limited because of crop conditions, the Committee may select the total shipments during the months of August and September during one of the three crop years preceding the prior crop year.

Dated: July 31, 1995.

**Martha B. Ransom,**

*Acting Deputy Director, Fruit and Vegetable Division.*

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#### Animal and Plant Health Inspection Service

#### 9 CFR Parts 160 and 161

[Docket No. 94-027-2]

#### Standards for Accredited Veterinarian Duties

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are allowing, under certain conditions, accredited veterinarians to issue official animal health documents up to 30 days after inspection for animals in herds or flocks under regular health maintenance programs. For all other animals, we will allow accredited veterinarians to issue official animal health documents up to 10 days following inspection. Last, we are requiring that all official animal health documents be valid for only 30 days following inspection, regardless of the date of issuance. We will continue to require that accredited veterinarians issue official animal health documents only for animals that they have inspected.

These actions will extend the time period allowed between inspection and the issuance of official animal health documents. We believe these actions will both alleviate the burden placed by the current time requirement on

accredited veterinarians and reduce the costs of health inspection for the livestock industry, without significantly increasing animal disease risk.

**EFFECTIVE DATE:** September 5, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. J. A. Heamon, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-6954.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with 9 CFR parts 160, 161, and 162 (referred to below as the regulations), some veterinarians are accredited by the Federal Government to cooperate with the Animal and Plant Health Inspection Service (APHIS) in controlling and preventing the spread of animal diseases throughout the country and internationally. Accredited veterinarians use their professional training in veterinary medicine to perform certain regulatory tasks.

On March 10, 1995, we published in the **Federal Register** (60 FR 13084-13086, Docket No. 94-027-1) a proposal to amend the regulations to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For all animals not part of a regular health maintenance program, we proposed to allow accredited veterinarians to issue official animal health documents for up to 10 days following inspection. We further proposed to require that all official animal health documents be valid for only 30 days following the date of issuance. Finally, we proposed to add definitions of *issue* and *regular health maintenance program*.

We solicited comments concerning our proposal for 60 days ending May 9, 1995. We received seven comments by that date. They were from a swine breeding stock company, two national veterinary associations, a pork industry association, a Federal veterinarian, and two State agriculture agencies. Four of the commenters supported the proposed rule, although one of those commenters appeared to have some reservations about one aspect of the proposal. The remaining three commenters expressed concerns regarding specific aspects of the proposed rule. The concerns and reservations of those commenters are discussed below.

One commenter supported our proposal to allow an accredited veterinarian to issue an official animal

health document up to 10 days after his or her inspection of animals in a herd or flock not under a regular health maintenance program. The commenter acknowledged that the increase from 7 to 10 days would provide some additional time for laboratory results to be received, but stated that even 10 days may not be sufficient time to receive the results of some required tests. The commenter did not, however, cite recurring difficulties with any specific tests. We recognize that laboratory delays beyond an accredited veterinarian's control can occur, but we are unaware of any widespread problems that consistently delay the issuance of animal health documents. The regulations in § 161.3(k) already provide that an accredited veterinarian may issue an origin health certificate for export use without including test results from a laboratory if the APHIS Veterinarian-in-Charge determines that such an action is necessary to save time in order to meet an export schedule and agrees to add the test results to the certificate at a later time. If, in the future, it becomes necessary to address persistent delays in laboratory reporting, similar provisions could be proposed for the issuance of other animal health documents.

One commenter disagreed with our proposal to require that all official animal health documents be valid for only 30 days following the date of inspection, regardless of the date of issuance. The commenter felt that this restriction would place an unfair limitation on certificates made near the end of the 30-day inspection period, noting that a certificate issued on day 28 or 29 would only be valid for a day or two. The commenter envisioned a scenario in which a shipment of animals could be in transit at the time their certificate expired, thus leaving the animals without valid documentation. The commenter suggested that a certificate should be valid for at least 7 days after issuance, provided the certificate was issued during the 30-day inspection period. We believe that the difficulties envisioned by the commenter are not likely to occur due to the time frames associated with inspections and the issuance of animal health documents. Livestock facilities participating in a regular health maintenance program are usually large operations with an established distribution and transportation network in place, which lends a measure of predictability to the facility's shipping activities. We believe that the operator of such a facility would ensure that the health documents for a shipment of

animals would be valid for a long enough period of time to complete the movement of those animals. If not, the next scheduled visit by the accredited veterinarian serving the facility would likely be only a few days in the future, and a new set of documents could be secured following that visit, thus allowing adequate time to move the shipment of animals. A document issued by an accredited veterinarian for animals that are not part of a regular health maintenance program would have to be issued no later than 10 days following inspection, so that document would be valid for at least 20 days following its issuance; in such a case, making the document valid for at least 7 days after issuance would be unnecessary.

Another commenter also objected to our proposal to require that all official animal health documents be valid for only 30 days following the date of inspection, regardless of the date of issuance. This commenter's objection was threefold: (1) The requirement would be a negative influence on regional approaches to animal movements within the United States and North America; (2) the requirement constitutes a centralization of regulation at a time when decentralization should be the goal; and (3) the requirement interferes with provisions that most, if not all, States have set concerning the length of time a health document remains valid. The commenter did not, however, provide any explanation or examples to elucidate his objections. We have made no changes in this final rule in response to that comment because the standards for accredited veterinarians contained in the regulations apply only to an accredited veterinarian's work with APHIS, even though it is common for federally accredited veterinarians to work on State programs in addition to their work with APHIS on Federal and cooperative State/Federal programs. Thus, the 30-day post-inspection limit on the validity of a health document would apply to an official certificate or document issued in connection with an APHIS program activity such as pre-export inspection, tuberculosis, brucellosis, or pseudorabies, but not to a State document issued by an accredited veterinarian in connection with a State-level program.

Finally, one commenter was concerned that the proposed definition of *issue* and removal of the words "or sign" from the phrase "issue or sign" would have the effect of creating a loophole that would allow an accredited veterinarian to legally pre-sign a number of blank animal health documents that could be filled out later by someone

other than the accredited veterinarian. The commenter stated that an accredited veterinarian should be responsible for reviewing all animal health documents for accuracy before they are signed and then issued. We do not believe that the changes will create the loophole envisioned by the commenter for two reasons: First, the proposed definition of *issue*—"the distribution by an accredited veterinarian of an official animal health document that he or she has signed"—clearly indicates that an accredited veterinarian must sign a document before it is distributed. Our second reason builds on the first, in that proposed § 161.3(b) states that an accredited veterinarian may not issue—i.e., sign and distribute—or allow the use of any certificate, form, record, or report until and unless the document has been accurately and fully completed. We believe, therefore, that these provisions ensure that an accredited veterinarian is responsible for the accuracy of all animal health documents he or she issues.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the regulations to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For inspection of other animals, we are allowing up to 10 days between the inspection of animals and the issuance of official animal health documents.

Until the effective date of this final rule, the regulations in § 161.3(a) require accredited veterinarians, when issuing or signing a certificate, form, record, or report regarding any animal, to have inspected the animal within 7 days. That requirement places an economic burden on large livestock facilities that sell and ship animals continuously. That is, large livestock facilities are currently required to have their animals inspected frequently, in order for veterinarians to issue, in a timely manner, the health documents required for the frequent sale and shipment of

animals. Such frequent visits can be expensive.

Allowing veterinarians additional time to issue official animal health documents following inspection will enable those veterinarians to inspect animals less frequently. Therefore, this rule will economically benefit large livestock facilities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579-0032.

#### List of Subjects

##### 9 CFR Part 160

Veterinarians.

##### 9 CFR Part 161

Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 160 and 161 are amended as follows:

#### PART 160—DEFINITION OF TERMS

1. The authority citation for part 160 continues to read as follows:

**Authority:** 15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a, 114a-1, 115, 116, 120, 121, 125, 134b, 134f, 612, and 613; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 160.1 is amended by adding, in alphabetical order, the following definitions:

#### § 160.1 Definitions.

\* \* \* \* \*

*Issue.* The distribution by an accredited veterinarian of an official animal health document that he or she has signed.

\* \* \* \* \*

#### *Regular health maintenance program.*

An arrangement between an accredited veterinarian and a livestock producer whereby the veterinarian inspects every animal on the premises of the producer at least once every 30 days.

\* \* \* \* \*

#### PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

3. The authority citation for part 161 continues to read as follows:

**Authority:** 15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a, 114a-1, 115, 116, 120, 121, 125, 134b, 134f, 612, and 613; 7 CFR 2.17, 2.51, and 371.2(d).

4. Section 161.3 is amended as follows:

a. By revising paragraphs (a) and (b) to read as set forth below.

b. In paragraph (c), by removing the phrase "or sign" in the first sentence.

c. In paragraph (k), by removing the phrase "or sign" in the first sentence.

#### § 161.3 Standards for accredited veterinarian duties.

\* \* \* \* \*

(a) An accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal, other than those in regular health maintenance programs, unless he or she has personally inspected that animal within 10 days prior to issuance.

(1) Following the first two inspections of a herd or flock as part of a regular health maintenance program, an accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal in that program, unless he or she has personally inspected that animal within 10 days prior to issuance.

(2) Following the third and subsequent inspections of a herd or flock in a regular health maintenance program, an accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal in that program,

unless he or she has personally inspected that animal within 30 days prior to issuance.

(b) An accredited veterinarian shall not issue, or allow to be used, any certificate, form, record or report, until, and unless, it has been accurately and fully completed, clearly identifying the animals to which it applies, and showing the dates and results of any inspection, test, vaccination, or treatment the accredited veterinarian has conducted, except as provided in paragraph (c) of this section, and the dates of issuance and expiration of the document. Certificates, forms, records, and reports shall be valid for 30 days following the date of inspection of the animal identified on the document. The accredited veterinarian shall distribute copies of certificates, forms, records, and reports according to instructions issued to him or her by the Veterinarian-in-Charge.

\* \* \* \* \*

Done in Washington, DC, this 27th day of July 1995.

**Lonnie J. King,**

*Administrator, Animal and Plant Health Inspection Service.*

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 94-ANE-10; Amendment 39-9328; AD 95-16-08]

#### Airworthiness Directives; AlliedSignal, Inc. TPE331 Series Turboprop and TSE331 Series Turboshaft Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal, Inc. (formerly Allied-Signal, Inc., Garrett Engine Division, Garrett Turbine Engine Company, and AiResearch Manufacturing Co. of Arizona) TPE331 series turboprop and TSE331 series turboshaft engines, that requires a record check of engine records to determine if any repair, assembly, modification, or installation work was performed by Fliteline Maintenance, formerly located in Wharton, Texas, or Mr. Eugene E. Shanks, or Mr. Carl Ramirez (collectively referred to as "Fliteline"). In addition, for engines determined to have repair, assembly, modification, or installation work